

Talina McElhany - 3/29/10

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

3 PATTY BEALL, MATTHEW)
MAXWELL, TALINA McELHANY,)
4 AND KELLY HAMPTON,)
individually and on behalf)
5 of all other similarly)
situated,)

6 Plaintiffs,)

No. 2:08-cv-422VS

7)
8 TYLER TECHNOLOGIES, INC.)
AND EDP ENTERPRISES, INC.,)
9 Defendants.)

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ORAL DEPOSITION OF

14 TALINA REANN McELHANY

15 3/29/10

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17 ORAL DEPOSITION OF TALINA REANN McELHANY,
18 produced as a witness at the instance of the DEFENDANTS,
19 and duly sworn, was taken in the above-styled and
20 numbered cause on the 29th day of March, 2010, from
21 9:14 a.m. to 12:35 p.m., before TINA TERRELL BURNEY, CSR
22 in and for the State of Texas, reported by machine
23 shorthand, at the offices of SLOAN, BAGLEY, HATCHER &
24 PERRY, 101 East Whaley Street, Longview, Texas 75601,
25 pursuant to the Federal Rules of Civil Procedure.

Osteen Reporting Services (817) 498-9990

EXHIBIT D

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1 Q And this was all in that discussion that took
2 place after Ms. Munt and Ms. McBride left the room?

3 A. Yes.

4 Q Did you have any discussion during this
5 interview in either the joint session that you described
6 or your meeting with Mr. Ainsworth after that about how
7 many hours the job of customer support representative
8 would involve?

9 A. Yes.

10 Q What did he tell you about that?

11 A. That generally it was a 40-hour week, that
12 there might be a time if I was on call with a customer
13 that I might have to stay over occasionally, and I was
14 also told at that time that there would be a time period
15 in the fall each year when our customers would be doing
16 their end-of-year procedures that we would be required
17 to stay until 6:00 in the evening for a two-week period,
18 and that during that time, there would be one Saturday
19 that we would be required to work.

20 Q And the customers are these school districts?

21 A. Yes.

22 Q But you understood that the salary when you
23 started out at \$30,000 a year was going to cover your pay
24 for no matter how many hours you worked?

25 A. Yes.

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C E R T I F I C A T E

I, TINA TERRELL BURNEY, Certified Shorthand Reporter, duly qualified in and for the State of Texas, certify that the foregoing deposition of TALINA REANN McELHANY was reported stenographically by me at the time and place indicated, said witness having been placed under oath by me, and that the transcript is a true record of the testimony given by the witness.

Review and signature by the witness were requested at the time of taking this deposition and the changes made by the witness are attached to the transcription of this deposition.

I further certify that the time used by all counsel is as follows:

Mr. Paulo M McKeeby - 2 hours, 44 minutes

Ms. Laureen F. Bagley - 8 minutes

I further certify that I am neither counsel for nor related to or employed by any party in this cause and am not financially interested in its outcome.

Certified to this ____ day of April, 2010.

TINA TERRELL BURNEY, CSR No. 2908
Certified Shorthand Reporter
in and for the State of Texas
Certification expires 12/31/10

Osteen Reporting Services
Firm Registration No. 392
313 Northglenn Dr.
Hurst, TX 76054
(817) 498-9990 (telephone)
(817) 498-0410 (facsimile)

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